

ORIGINAL**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFERY P. MOSER,

Plaintiff,

v.

KENNETH KYLER, et al.

Defendants.

**FILED
HARRISBURG**

Civil No. 1:00-CV-1846

AUG 09 2001

JURY TRIAL DEMANDED

MARY E. D'ANDREA, CLERK

DEPUTY CLERK

(41)

8-10-01
Se*** HEARING, 3 PROTECTION ORDER REQUESTED ****** NOTICE of INABILITY TO PROCEED PRO-SE, BECAUSE OF CONSTITUTIONAL VIOLATIONS****RETALIATORY ACTS AND THREATS TOWARDS THE PRO-SE LITIGANT
By a Pennsylvania Parole Board Agent...**

wherefore, I Jeffery P. Moser (Plaintiff) On the 4th day of August, 2001, hereby ask this Honorable Court to make me, and assist with my further relief (i.e. order of protection) in the below mentioned matter, from this day forth, out of extreme fear of further retaliation, confinement and the threat of retaliatory re-incarceration (i.e. violation of the Plaintiff Parole). The Plaintiff will not be available to act on his own behalf, unless Court intervention (i.e. formal hearing) is ordered by this Honorable Court. For the following reasons:

On July 16th, 2001 Moser (Plaintiff) was Parole to in-patient Alcohol Treatment at D.R.C. (Diagnostic and Rehabilitation Center 229 Arch St, Allentown, Pa. 18106 215-675-8000). Moser understanding was to exceed 28 days and was an A.D.A. approved facility, which could handle Moser's physical needs, disabilities and would permit him to proceed forward with all his Pro-SE Litigational needs and non-Pro-SE (veranda Parole rights Proceedings) Litigational needs. As is a Constitutional Right, to be able to do so, without interference and retaliation for exercising said rights. (Wall vs. Carlson, 29 F.2d 1446 (9th Cir. 1987) - Taylor vs. List, 880 F.2d 1040 (9th Cir. 1989) - Divine vs. Indian River, 121 F.3d 576 (11th Cir. 1997) - Harris vs. Reardon, 16 F.3d 921 (8th Cir. 1994) 7th, 5th, 8th, 9th, 10th amendments to the U.S. Const.

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1:00-CV-1846

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On July 20th, MOSER FILED AN "APPEAL TO THIS CONDITION OF PRISON" AND TO THE UNLAWFUL THAT STATED "YOU CAN BE RETURNED TO PRISON FOR ANY REASON" (EN SHOCK). THEREAFTER, MOSER OBTAINED APPROVED PASSES FROM D.R.C. STAFF TO ATTEND LEGAL VISITS WITH ATTORNEYS. "IN HIS EFFORT TO RETAIN COUNSEL FOR ALL MATTERS, TO FIGHT MORE ON TRIALMENT) AND TO ATTEND TO HIS IMMEDIATE MEDICAL NEEDS.

THIS SO ENRAGED PENNSYLVANIA STATE PRISON ABOUT "LAWDA" WHO OVERSEE MOSER CASE AT D.R.C. THAT THE FOLLOWING RESTRICTIONS AND THREATS WERE PLACED ON MOSER:

1.) MOSER WAS DENIED AN "RESTRICTION" AT D.R.C. WITHOUT PROBABLE CAUSE AND/OR A DUE PROCESS HEARING, NO PHONE CALLS IN COME OUT, NO MAIL SERVICE WITHOUT HAVING ANOTHER "HAPPY ASSISTANCE" NO PASS, CONSENT SUPERVISOR DUE HAVE SIGN-IN. ALL MOSER LIBERTIES AT D.R.C. WERE REMOVED... DUE TO HIS LITIGATIONS AND FOR MEDICAL NEEDS IN RETALIATION...

2.) MOSER WAS TOLD, "IF YOU WANT TO PAY LAWYER" "I'M TAKING YOU BACK TO PRISON AT THE FORT (BRISTOL) YOU CAN PAY LAWYER THERE AND I DON'T NEED A REASON, YOUR SCUM AND A CRIMINAL AND I'LL FIND A REASON IF I WANT, UNTILL THEN, IF YOU WANT TO STAY OUT OF PRISON, AT YOUR NOT TO MAKE COME RECEIVE ANY LEGAL CALLS AND/OR ATTEND ANY LEGAL VISITS WITH LAWYER. B) IF I HEAR YOUR LIES LAW WORK AND CAUSING TROUBLE, YOUR GONE TO PRISON." MOSER YOU WANT TO SUFFER MY WRATH, YOU GOT IT! "ALL MOSER LEGAL ACCESS" WAS STOPPED ON AUG. 3RD, 2001 AS MOSER IS IN FEAR.

3.) MOSER HAS A PENDING FRAUDULENT RIGHT CASE IN ALABAMA, MOSER HAS COUNSEL (775-322-6090 Paul Yhen)

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 1:00-CV-1846
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Moser has a 3yr old son (Jackson) and 7yr old son (Jeffrey, Jr.) whom are in Foster care, Moser is now attempting to take custody of them after He finished at D.R. and returned home to Nevada. Moser "must" attend Hearing via: Phone and speak to His children since Moser is About Canada knows if Moser misses any of these proceedings and for some calls and for is returned to Prison, Moser who have His Parental rights terminated and lose the sons He loves so very much forever. "About Canada, terminated Moser's access to His children and to any and all Court proceedings. Moser was a Phone Hearing on 7th day of August, 2001 6:30 P.M. to this matter and is Prohibited from attending. "About Canada said: "You can give up your kids forever, because Nevada Court orders mean nothing to me, it's your own fault, there better off without you Moser" "No calls to any body in Nevada Moser". It was About Canada want on Moser, to take His son, (Jackson) away forever. 4.) Moser is being told all His well Documented medical needs are fake, and About Canada has ordered Moser to change Doctor, so He can get a more favorable opinion. (unconstitutionally case)

Therefore Moser (Plaintiff) Fears for His safety and His children, This does not want to suffer the "wrath" of About Canada further. But surely will if About Canada knows this Document was Filed, Moser will be re-imprisoned in retaliation. Moser knows About Canada will not approve His home plan, so He can be successful in taking Moser kids away. Moser ask a Hearing on this matter, A Protection order and injunctive relief before Proceed (Pro-se out of fear). THANK you. Respectfully Submitted
 Jeffrey P. Moser 8-4-01

MEDICAL Direction 7-25-01

DEA # _____

JEROME H. KOHN, D.O.
ROBERT C. WOLFE, M.D.
229 ARCH STREET
PHILADELPHIA, PA 19106
215-625-8058

PA Lic. No. OS001307-L PA Lic. No. MD3562E

NAME Jeffery Moser

ADDRESS _____ DATE 7/25/01

R. Jeffery's spinal condition
requires necessary surgery
as soon as possible -
Pain medicine helps him
function, but he's at serious
risk of permanent disability.

REFILL _____ TIMES PRN/NR

SUBSTITUTION PERMISSIBLE

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED,
THE PRESCRIBER MUST HANDWRITE BRAND NECESSARY OR
BRAND MEDICALLY NECESSARY IN THE SPACE BELOW.

06/07/96

01-K00937207

-Moser Lost Children-



* Joshua, ³ Jeffrey Murray Moser
TAKEN BY Parole Agent IN AN ACT
OF Retaliation, Towards Moser, III
DUE TO Litigation, ³ Lawsuit FILED
By Moser (Plaintiff...)

1:00-cv-1846 M.D. Pa.

Moser vs. Kyle

Mr. Kenny ³ Judge Caldwell,
AS YOU SEE ABOVE, THE DOCTORS OUT HERE, AFFIRM THAT I
"NEED" A SPINE FUSION OPERATION AND IT IS LONG OVERDUE.
THEY WILL TESTIFY TO MY KNOWLEDGE TO THE TRUTH, THAT THE
ACTIONS OF THE DEFENDANT CAUSED MOSER IRREPARABLE HARM
BY NOT PROVIDING THIS TREATMENT SOONER. MOSER IS NOW
ON HIS NEED PAIN MEDICATION (Oxycontin 40mg.) AND ASK THAT
AS SOON AS HE IS RETURNED TO PRISON, (AS STATED BY THE
PAROLE AGENT) (THREATS, ³ RETALIATION) TO BE PROVIDED WITH
THIS MEDICATION, ³ OPERATION. NOW THAT THE PAROLE AGENT
HAS TAKEN (OR) CAUSED MOSER TO LOSE HIS CHILDREN FOREVER. MOSER
WILL STAY IN THE D.O.C., BECAUSE HE HAS NOTHING LEFT TO GO
HOME TO. (SURELY HE TOOK HIS KIDS, ³ SURELY HE'LL RE-EXCARCERATE MOSER.)

CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the below-referenced document(s) upon the person and in the manner indicated below:

Service by first class mail addressed as follows:

SHAWN P. KENNY Esq
55 OTLEY DRIVE
CAMP HILL PA. 17001

CLERK OF COURTS
MIDDLE DISTRICT OF PENNA.
U.S. DISTRICT COURT
228 WALNUT ST
HARRISBURG PA. 17108-0983

SERVICE TO WERFORD DEFENDANT WHEN PAROLE AGENT "CANADO" PERMITS LEGAL MAILING
"OUT" WITHOUT PERMISHMENT.

MOSEK VS. KYLER 1:00-CV-1846

MOSEK, BELIEVE ALL ACT(S) OF INDIFFERENCE TOWARDS HIM, AND HIS
CHILDREN ARE A DIRECT RESULT OF THIS ACTION AND 01-CV-0923
AND THE LITIGATION (U.S. JUSTICE DEPT.) IN REFERENCE TO C.C.C.
(COMM. CORRECTION CENTER) (A.D.A. DISCRIMINATION) AND NOW RETALIATION

HEARING REQUESTED

8-4-2001

AUGUST 4, 2001

JEFFERY MOSEK
229 ARCH ST.
PHILA, PA. 19106
JEFFERY MOSEK